

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**STUART TARMY AND OTHERS  
SIMILARLY SITUATED,**

**Plaintiffs,**

**v.**

**CHARLES RIVER SYSTEMS, INC. d/b/a)  
CHARLES RIVER DEVELOPMENT**

**Defendant.**

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**Civil Action No. 04-10992-GAO**

**JOINT STATEMENT OF THE PARTIES IN PREPARATION FOR INITIAL  
SCHEDULING CONFERENCE**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure Local Rule 16.1, and the Court's Notice of Scheduling Conference and Order for Joint Statement and Certifications, counsel for defendant Charles River Systems, Inc. d/b/a Charles River Development, Inc. ("CRD") and counsel for plaintiff Stuart Tarmy ("Plaintiff"), certify that they have conferred concerning, among other things: the nature and basis of their claims and defenses, the possibility of a settlement of the case, preparing an agenda for matters to be discussed at the scheduling conference, and preparing a proposed pretrial schedule for the case including a plan for discovery.

**I. PROPOSED PRETRIAL SCHEDULE**

The parties anticipate that discovery may be conducted along the following schedule:

**Deadline**

**Event**

July 1, 2005

Complete automatic discovery consistent with Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2(A)

September 1, 2005

File amendments to pleadings (including amendments to add parties), third-party actions,

	cross-claims and counterclaims. Together with the Complaint and Summons, counsel granted leave to add a party or third party shall serve on such party a copy of this Scheduling Order.
October 31, 2005	Completion of all discovery, other than requests for admissions and expert disclosures, except for such discovery not reasonably anticipated by the parties.
November 30, 2005	Service of requests for admissions
December 31, 2005	Service of all responses to requests for admissions; Service of all expert disclosures, if any, pursuant to Fed. R. Civ. P. 26(a)(2).
January 31, 2006	Service of any responses and objections to expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2)
To be determined	A pretrial conference, if necessary following decision on dispositive motions, with all dates following such pretrial conference, including expert disclosure and discovery, to be scheduled at the Court's discretion

B. Position on Phased Discovery. The parties do not believe it is necessary for discovery to proceed in "phases," except as set forth in its proposed discovery schedule above.

C. Motion Schedule. The parties propose that any dispositive motions, together with all supporting documents shall be served no later than February 28, 2006. All oppositions with supporting documents shall be served no later than March 21, 2006. All replies to oppositions with supporting documents shall be served no later than April 4, 2006.

### **III. TRIAL BY MAGISTRATE JUDGE**

Neither party consents to referral of this matter for trial by a magistrate judge.

### **IV. CERTIFICATIONS UNDER LOCAL RULE 16.1(D)(3)**

CRD and Stuart Tarmy have previously produced the certifications required by Local Rule 16.1(D)(3).

Respectfully submitted,

Stuart Tarmy,

By his attorney,

/s/ Ara J. Balikian

Ara J. Balikian (BBO# 630576)  
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535 Boylston Street, 6<sup>th</sup> Floor  
Boston, MA 02116  
(617) 538-1801

Dated: July 7, 2005

Charles River Systems, Inc. d/b/a  
Charles River Development, Inc.

By its attorneys,

/s/ Jessica A. Foster

Laura E. Schneider (BBO#562030))  
Jessica A. Foster (BBO# 636841)  
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**CERTIFICATE OF SERVICE**

I, Ara J. Balikian, hereby certify that on July 7, 2005, I caused a copy of the foregoing document to be served, by hand, upon counsel for the plaintiff.

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Ara J. Balikian